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| 10/788,589 | 02/27/2004 | Ronald S. Karr | VRT0120US | 6846 |
| 60429 7590 10/25/2007 CAMPBELL STEPHENSON LLP | | EXAMINER | | |
| | RY OAKS TERRACE | | KIM, DANIEL Y | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) | | | | |
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| · · · · · · · · · · · · · · · · · · · | | KARR ET AL. | | | | |
| Office Action Summary | 10/788,589 | | | | | |
| | Examiner | Art Unit | | | | |
| The MAILING DATE of this communication app | Daniel Kim | 2185 orrespondence address | | | | |
| Period for Reply | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period was reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timulating the state of th | I. lely filed the mailing date of this communication. D (35 U.S.C. § 133). | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed on 01 Au | Responsive to communication(s) filed on <u>01 August 2007</u> . | | | | | |
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| closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. | | | | | | |
| Disposition of Claims | | | | | | |
| 4) ⊠ Claim(s) 1,2,4-18,20-24 and 26-30 is/are pend 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1,2,4-18,20-24 and 26-30 is/are reject 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or | vn from consideration ted. | | | | | |
| Application Papers | · | | | | | |
| 9) The specification is objected to by the Examine 10) The drawing(s) filed on 27 February 2004 is/are Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex | e: a) \boxtimes accepted or b) \square objected drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj | e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d). | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
| Attachment(s) | | | | | | |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date | 4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other: | te | | | | |

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Status

1. This Office Action is in response to applicant's communication filed August 1, 2007 in response to the PTO Office Action mailed May 1, 2007. The applicant's remarks and amendments to the claims and/or the specification were considered with the results that follow.

2. In response to the last Office Action, claims 1-2, 4, 6,14-18 and 26 have been amended, claims 3, 19 and 25 have been canceled, and claims 27-30 have been added. Claims 1-2, 4-18, 20-24 and 26-30 remain pending in this application.

Response to Arguments

3. Applicant's arguments filed August 1, 2007 have been fully considered but they are not persuasive.

Applicant has argued for claim 1 that Fitzgerald does not disclose a second tag or reference label, and thus fails to teach the claim limitation of first and second writing transactions, comprising first and second tags. Fitzgerald discloses multiple controllers sending write requests, where each write request contains data, and a reference label is associated with each write request [col. 3, lines 10-13]. Therefore, Fitzgerald discloses the limitations to the extent to which they are claimed, i.e., there are multiple write transactions, each comprising a tag.

Applicant has also argued for claim 1 that Fitzgerald does not disclose transmitting first and second write transactions, including the first and second tags.

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Fitzgeral discloses upon reaching a mirror read request, a controller reads the data identified in the request [i.e., by a reference label] and transmits the data to another controller as a mirror write request [col. 3, lines 50-53]. Therefore, Fitzgerald discloses the limitations to the extent to which they are claimed, i.e., transmitting multiple write transactions, including tags.

Applicant has argued similar issues with claims 15, 17, 25 and 26, for which the reasoning and disclosures discussed above are also applied. Therefore, Fitzgerald discloses the limitations to the extent to which they are claimed, i.e., multiple write transactions, each comprising a tag, and transmitting multiple write transactions, including tags.

Applicant has argued for claim 4 that Fitzgerald in view of Selkirk does not disclose storing first write information in an entry of a first tag table, wherein the write information comprises the first tag and an identity of a logical block where data D is to be written, wherein the first tag table is stored in first memory. Fitzgerald had disclosed multiple controllers sending write requests, where each write request contains data, and a reference label is associated with each write request [col. 3, lines 10-13], i.e., multiple write transactions, each comprising a tag. Selkirk helps disclose a virtual track table and track number table which are tables that may be used in a storage subsystem by a processor [col. 9, lines 46-50]. Therefore, Selkirk helps disclose the limitations to the extent to which they are claimed, i.e., storing write information in entries of tag tables, where the write information comprises tags and identities of logical blocks where data is to be written, where the tag tables are stored in memory. It would also have been

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obvious to one of ordinary skill in the art at the time of the invention that these tag tables could be stored in more than one memory. Therefore, Fitzgerald in view of Selkirk discloses the limitations to the extent to which they are claimed.

Applicant has argued similar issues with claim 26, for which the reasoning and disclosures discussed above are also applied. Therefore, Fitzgerald in view of Selkirk discloses the limitations to the extent to which they are claimed, i.e., storing write information in entries of tag tables.

A copy of the previous grounds of rejection is provided below, with further grounds of rejection for newly presented claims 27-30.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1-2 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Fitzgerald et al (US Patent No. 5,787,485).

For claim 1, Fitzgerald discloses a method comprising:

a computer system generating first and second write transactions (the invention features performing a mirror set copy from a first storage device to a second storage device in a computer system in which write requests are each associated with a reference label, col. 1, lines 30-33);

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wherein the first and second write transactions comprise first and second tags, respectively, wherein each of the first and second tags relate the first write transaction to the second write transaction (the reference label sent with the data to the second storage device may be associated with a write request that has been received and processed at the first storage device prior to sending the data, col. 1, lines 57-61);

the computer system transmitting the first and second write transactions, including the first and second tags, respectively, to first and second storage devices, respectively (col. 1, lines 57-61);

wherein the first write transaction comprises data D to be written (col. 1, lines 30-33; the controllers write the data from the write requests to the respective disks so that... both disks contain identical data, col. 3, lines 13-16);

wherein the second write transaction comprises data D to be written (col. 1, lines 30-33; col. 3, lines 13-16).

Claim 2 is rejected using rationale as per rejection of claim 1 above, where each storage device may process multiple write requests (col. 2, lines 16-23).

For claim 15, Fitzgerald discloses a method comprising: generating first and second write transactions (col. 1, lines 30-33);

wherein the first and second write transactions comprises first and second tags, respectively (col. 1, lines 57-61); wherein the first and second tags are identical to each other (the second controller may be configured to process write requests by writing data to the second storage device until a write request associated with the same reference label as that sent with the data by the first controller is encountered, col. 2, lines 45-49);

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the computer system transmitting the first and second write transactions including the first and second tags, respectively, to first and second storage devices, respectively (col. 2, lines 45-49; a mirrored data storage system... a first controller associated with the first storage device, and a second controller associated with the second storage device, col. 2, lines 25-29);

wherein the first write transaction comprises data D (col. 1, lines 30-33; col. 3, lines 13-16);

wherein the second write transaction comprises data D (col. 1, lines 30-33; col. 3, lines 13-16).

6. Claims 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowe (US Patent 7,188,229).

For claim 29, Lowe discloses a method comprising:

comparing first write information in an entry of a first tag table with the second write information in an entry of a second tag table [col. 8, lines 66-67, col. 9, lines 1-8];

wherein the first write information comprises a first tag and an identity of a logical block where data D is to be written, wherein the first tag table is stored in a first memory device [translation lookaside buffers with entries to include virtual addresses and associated context identifiers, and secondary memory assets including translation storage buffers and page tables, the resources including at least one translation table entry, col. 4, lines 47-53];

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wherein the second write information comprises a second tag and an identity of a logical block where data D is to be written, wherein the second tag table is stored in a second memory device [col. 4, lines 47-53];

synchronizing first and second storage devices in response to the entry of the first tag table not matching the entry of the second tag table [col. 8, lines 66-67, col. 9, lines 1-8].

For claim 30, Lowe discloses synchronization comprises copying the entry of one tag table to the other [col. 8, lines 66-67, col. 9, lines 1-8].

Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8. Claims 4-6, 13-14, 16-18, 20-21, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald et al (US Patent No. 5,787,485) in view of Selkirk et al (US Patent No. 6,804,755).

For claim 4, Fitzgerald discloses the first storage device receiving the first write transaction (write requests are received at the first storage device, and also received at the second storage device, col. 1, lines 32-35); and

the second storage device receiving the second write transaction (col. 1, lines 32-35).

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Fitzgerald fails to disclose the remaining claim limitations.

Selkirk helps disclose the first storage device storing in an entry of a first tag table, the first tag and an identity of the logical block where data D is to be written, wherein the first tag table is stored in first memory (multi-layer virtual mapping tree method, col. 9, line 58; multiple layers of mapping tables provide unique identification of the storage location of data such that individual entries in the mapping tables are variable and may be made self-defining with respect to the amount of data managed, col. 10, lines 30-34);

the second storage device storing in an entry of a second tag table, the second tag and an identity of the logical block where data D is to be written, wherein the second tag table is stored in second memory (col. 9, line 58; col. 10, lines 30-34).

Fitzgerald and Selkirk are analogous art in that they are of the same field of endeavor, that is, a system and/or method of memory control. Selkirk suggests that it would have been desirable to incorporate layered tag tables describing identities of logical blocks into the system of Fitzgerald because this would provide very fast access to mapped data locations and still minimize storage required for mapping tables themselves (col. 9, lines 58-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fitzgerald as suggested by Selkirk to incorporate the feature as claimed.

For claim 5, Fitzgerald fails to disclose the claim limitations.

Selkik helps disclose the first write transaction comprises data D to be written to a range of logical blocks of a first storage object (boundary information may consist of,

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for example, fixed mapping wherein every entry in the table has the same extent, i.e. range of virtual space, col. 11, lines 1-3);

the second write transaction comprises data D to be written to a range of logical blocks of a second storage object (col. 11, lines 1-3).

Fitzgerald and Selkik are analogous art in that they are of the same field of endeavor, that is, a system and/or method of memory control. Selkik suggests that it would have been desirable to incorporate a range of logical blocks for storing objects into the system of Fitzgerald because with storage virtualization, a host server is freed from the restrictions of actual storage mechanisms (col. 9, lines 1-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fitzgerald as suggested by Selkik to incorporate the feature as claimed.

Claim 6 is rejected using rationale as per rejection of claims 1 and 4 above.

For claim 13, Fitzgerald discloses the first write transaction comprises data D to be written to an extension of a first storage object (continuing the mirror set copy, the master controller processes further write requests, col. 4, lines 43-44);

the second write transaction comprises data D to be written to an extension of a second storage object (col. 4, lines 43-44).

Claim 14 is rejected using rationale as per rejection of claims 4 and 13 above.

Claim 16 is rejected using rationale as per rejection of claims 1-2 above, where a reference label is associated with each write request, and therefore "generated" by a "generator" (col. 3, lines 10-13).

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Regarding an application executing on the computer system to generate write transactions, Selkirk discloses a method, apparatus and computer program product for performing an instant copy of data to support dynamically changeable virtual mapping schemes in a data processing system (abstract).

Claim 17 is rejected using rationale as per rejection of claim 1 above.

Regarding a computer readable medium storing instructions executable by a computer system, wherein the computer system implements a method in response to executing the instructions, Selkirk discloses a method, apparatus and computer program product for performing an instant copy of data to support dynamically changeable virtual mapping schemes in a data processing system (abstract).

Claim 18 is rejected using rationale as per rejection of claims 1-2 and 17 above.

Claim 20 is rejected using rationale as per rejection of claims 5 and 17 above.

Claim 21 is rejected using rationale as per rejection of claims 15 and 17 above.

Claim 24 is rejected using rationale as per rejection of claims 13 and 17 above.

Claim 25 is rejected using rationale as per rejection of claim 17 above.

Claim 26 is rejected using rationale as per rejection of claims 1 and 4 above.

Regarding a computer readable medium storing instructions executable by a computer system, wherein the computer system implements a method in response to executing the instructions, Selkirk discloses a method, apparatus and computer program product for performing an instant copy of data to support dynamically changeable virtual mapping schemes in a data processing system (abstract).

For claim 28, Fitzgerald discloses a method comprising:

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generating first and second write transactions [col. 1, lines 30-33];
generating first and second tags [col. 1, lines 57-61];
transmitting the first write transaction to first storage device [col. 1, lines 57-61];
transmitting the second write transaction to second storage device [col. 1, lines 57-61];

transmitting the first tag to the first storage device [col. 1, lines 57-61];
transmitting the second tag to the second storage device [col. 1, lines 57-61];
wherein the first write transaction comprises data D to be written [col. 1, lines 30-33; col. 3, lines 13-16];

wherein the second write transaction comprises data D to be written [col. 1, lines 30-33; col. 3, lines 13-16];

receiving the first write transaction at the first storage device [col. 1, lines 32-35]; receiving the first tag at the first storage device [col. 1, lines 32-35];

receiving the second write transaction at the second storage device [col. 1, lines 32-35]; and

receiving the second tag at the second storage device [col. 1, lines 32-35]. Fitzgerald fails to disclose the remaining claim limitations.

Selkirk helps disclose storing the first write information in an entry of a first tag table, wherein the write information comprises the first tag and an identity of a logical block where data D is to be written, wherein the first tag table is stored in first memory [multi-layer virtual mapping tree method, col. 9, line 58; multiple layers of mapping tables provide unique identification of the storage location of data such that individual

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entries in the mapping tables are variable and may be made self-defining with respect to the amount of data managed, col. 10, lines 30-34]; and

storing the second write information in an entry of a second tag table, wherein the write information comprises the second tag and an identity of a logical block where data D is to be written, wherein the second tag table is stored in second memory [col. 9, line 58; col. 10, lines 30-34].

Fitzgerald and Selkirk are analogous art in that they are of the same field of endeavor, that is, a system and/or method of memory control. Selkirk suggests that it would have been desirable to incorporate layered tag tables describing identities of logical blocks into the system of Fitzgerald because this would provide very fast access to mapped data locations and still minimize storage required for mapping tables themselves [col. 9, lines 58-60]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fitzgerald as suggested by Selkirk to incorporate the feature as claimed.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over 9. Fitzgerald et al (US Patent No. 5,787,485) in view of Selkirk et al (US Patent No. 6,804,755) and further in view of Gaither et al (US PGPub No. 20040098544).

For claim 7, the combined teachings of Fitzgerald and Selkirk disclose the invention as per rejection of claim 4 above.

These teachings fail to disclose the limitations of claim 7.

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Gaither, however, helps disclose comparing the contents of one entry in the first tag table with the contents of entries in the second tag table to determine whether the second tag table includes an entry that matches the one entry (a virtual compression system may be configured to identify units of memory that share identical content among a plurality of partitions, par. 0031; a copy counter may be associated with each entry in a page partition table, and when a new identical page has been determined, the copy counter may be incremented for each entry that references the matching page across the partitions, par. 0032).

Fitzgerald, Selkirk and Gaither are analogous art in that they are of the same field of endeavor, that is, a system and/or method of memory control. Gaither suggests that it would have been desirable to incorporate comparing entries for a match in content into the system of Fitzgerald and Selkirk because otherwise, many of the mass storage partitions may contain duplicate information (par. 0003), and updating respective partition page tables that reference matching pages accordingly may optimize memory systems across partitions (par. 0025). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fitzgerald and Selkirk as suggested by Gaither to incorporate the feature as claimed.

For claim 8, the combined teachings of Fitzgerald, Selkirk and Gaither disclose the invention as per rejection of claim 7 above.

Gaither further helps disclose copying data, associated with the logical block number identified by the one entry, from the first storage object to the logical block in

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the second storage object if the second table lacks an entry with contents matching the contents of the one entry (the controller may copy the contents of the matching page to the requested page and forward the requested data to the memory system to perform the write operation, par. 0060).

For claim 9, the combined teachings of Fitzgerald, Selkirk and Gaither disclose the invention as per rejection of claim 7 above.

Gaither further helps disclose deleting the one entry in the first table if the second table contains an entry with contents that match the contents of the one entry (any mapping to duplicate pages is removed and the duplicate pages are returned to a free page pool, which is maintained by the virtual compression system, par. 0019).

Claim 10 is rejected using the combined rationale as in the rejection of claim 9 above.

10. Claims 11-12 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald et al (US Patent No. 5,787,485) in view of Selkirk et al (US Patent No. 6,804,755) and further in view of Mattis et al (US Patent No. 6,128,627).

For claim 11, the combined teachings of Fitzgerald and Selkirk disclose the invention as per rejection of claim 1 above.

These teachings fail to disclose the limitations of claim 11.

Mattis, however, helps disclose the computer system generating a write transaction to write data to a logical block of a data volume;

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the computer system incrementing a counter in response to generating the write transaction (if a matching block is not currently in the process of being created or destroyed, then the block can be used, and the process increments a write counter, which is an internal variable, stored in association with the block, that indicates the number of processor or programmatic objects that are writing the block, col. 34, lines 52-58);

the computer system generating the first and second tags, wherein each of the first and second tags relate to the first and second write transactions, respectively, wherein the first and second tags are generated in response to generation of the write transaction, and wherein the first and second tags are generated as a function of an output of the incremented counter.

Fitzgerald, Selkirk and Mattis are analogous art in that they are of the same field of endeavor, that is, a system and/or method of memory control. Mattis suggests that it would have been desirable to incorporate a write counter into the system of Fitzgerald and Selkirk because this would indicate the number of processor or programmatic objects that are writing the block (col. 34, lines 56-58). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fitzgerald and Selkirk as suggested by Mattis to incorporate the feature as claimed.

For claim 12, the combined teachings of Fitzgerald, Selkirk and Mattis disclose the invention as per rejection of claim 11 above.

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Mattis further helps disclose the first and second storage devices comprise first and second object storage devices (a cache of information objects comprising a directory table that indexes each of the information objects in one of a plurality of buckets, col. 5, lines 66-67, col. 6, lines 1-2).

Claim 22 is rejected using the combined rationale as in the rejection of claims 11 and 17 above.

Claim 23 is rejected using the combined rationale as in the rejection of claims 12 and 17 above.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald et al (US Patent No. 5,787,485) in view of Selkirk et al (US Patent No. 6,804,755) and further in view of Lowe (US Patent 7,188,229).

For claim 27, Fitzgerald in view of Selkirk fails to disclose synchronizing said first and second storage devices in response to the entry of the first tag table not matching the entry of the second tag table.

Lowe discloses testing if the sought after translation table entry is available, where the appropriate TTE is access and the desired translation information is obtained from the secondary memory assets, e.g., a a TSB or page table, and the TLB is updated with the appropriate translation and such other information that may be required from the TTE, and selected secondary memory assets are updated with the appropriate translation as needed from the TTE [col. 8, lines 66-67, col. 9, lines 1-8].

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on Control Number: 10/700,0

Fitzgerald, Selkirk and Lowe are analogous art in that they are of the same field of endeavor, that is, a system and/or method of memory control. Lowe suggests that it would have been desirable to incorporate synchronizing storage devices in response to a non match condition for an entry in a tag table into the combined system of Fitzgerald and Selkirk because the sources of unavailabilities for translation table entries may be determined and resolved for appropriate memory access operations [col. 5, lines 4-21]. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fitzgerald and Selkirk as suggested by Lowe to incorporate the feature as claimed.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

When responding to this Office Action:

13. Applicant is requested to indicate where in the disclosure support is to be found for any new language added to the claims by amendment. 37 C.F.R. § 1.75(d)(1) requires such support in the Specification for any new language added to the claims and 37 C.F.R. § 1.83(a) requires support be found in the Drawings for all claimed features.

Applicant must clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made, and must also explain how the amendments avoid the references or objections. See 37 C.F.R. § 1.111(c).

Contact Information

14. Any inquiries concerning this action or earlier actions from the examiner should be directed to Daniel Kim, reachable at 571-272-2742, on Mon-Fri from 10:00am-6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah, is also reachable at 571-272-4098.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information from published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. All questions regarding access to the Private PAIR system should be directed to the Electronic Business Center (EBC), reachable at 866-217-9197.

DK 10-17-07

> STEPHEN C. ELMORE PRIMARY EXAMINER